

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JAMES L. BENNETT,

Defendant.

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CASE NO. 8:05CR426

**MEMORANDUM
AND ORDER**

This matter is before the Court on the Defendant's motion regarding a potential reduction in sentence under 18 U.S.C. § 3582(c)(2) (Filing No. 101). Defense counsel has been appointed but has not entered an appearance (Filing No. 102).

The Defendant entered into a plea agreement under Federal Rule of Criminal Procedure 11(c)(1)(C) in which the parties recommended a sentence of 188 months. The Defendant was sentenced accordingly. The Defendant was held responsible for 12.7 grams of cocaine base. His base offense level of 26 was increased to 34 because he was found to be a career offender under U.S.S.G. § 4B1.1. After an adjustment for acceptance of responsibility his total offense level was 31, and he was placed within Criminal History Category VI. His sentencing guideline range was 188-235 months.

Under the recent amendments to the sentencing guidelines, the career offender enhancement under § 4B1.1 would still apply and, therefore, his total offense level and sentencing guideline range of 188-235 months would remain unchanged.

Accordingly,

IT IS ORDERED:

1. The Defendant's motion regarding a potential reduction in sentence (Filing No. 101) is denied; and

2. The Clerk is directed to mail a copy of this Order to the Defendant at his last known address.

DATED this 16th day of March, 2012.

BY THE COURT:

S/Laurie Smith Camp
Chief United States District Judge